



FILED

02-14-08
10:00 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar
Initiative, the Self-Generation Incentive Program
and Other Distributed Generation Issues

Rulemaking 06-03-004
(Filed March 2, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING COMMENT ON AMENDED PETITION**

On July 25, 2007, Fuel Cell Energy (FCE) filed a petition requesting the Commission modify Decision 04-12-045, issued in Rulemaking 04-03-017. On February 8, 2008, FCE amended its petition by providing additional information regarding its request to increase the limit of incentive payments available under the Self-Generation Incentive Program (SGIP) from the current cap of 1 megawatt (MW) to 3 MW.

By this ruling, I request that any parties who wish to file comments on the amended petition should do so no later than February 22, 2008. In commenting on FCE's amended petition, parties should address the following question:

Given the current record in this proceeding, should the Commission consider increasing the cap on incentives in SGIP from 1 MW to 3 MW for all renewable technologies (*i.e.* wind and fuel cells) or limit this change to renewable fuel cells?

FCE also filed a motion for leave to file certain information in its amended filing under seal. Parties may comment on this motion in their comments on the amended petition.

IT IS RULED that:

1. Comments on Fuel Cell Energy's amended petition and motion for confidentiality, filed February 8, 2008, shall be filed no later than February 22, 2008.
2. This ruling shall be served on the service list for R.04-03-017 in addition to the service list of this rulemaking.

Dated February 14, 2008, at San Francisco, California.

/s/ DOROTHY DUDA
Dorothy J. Duda
Administrative Law Judge